

**ENTERED**

May 29, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

FAUSTINO OVALLE,

Petitioner,

v.

LORIE DAVIS,

Respondent.

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CIVIL ACTION NO. 2:19-CV-337

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

Before the Court is Magistrate Judge Jason Libby's Memorandum and Recommendation (M&R). (D.E. 16). The M&R recommends that the Court grant Respondent's motion to dismiss (D.E. 14) and dismiss Petitioner's petition for writ of habeas corpus as time barred. (D.E. 16, p. 1). The M&R also recommends that the Court deny Petitioner a certificate of appealability. (D.E. 16, p. 1); *see* 28 U.S.C. § 2253(c).

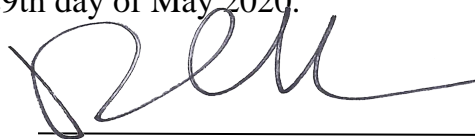
The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. Petitioner timely filed objections to the M&R. (D.E. 17). Having carefully reviewed the proposed findings and conclusions of the M&R, the record, the applicable law, and having made a de novo review of the portions of the M&R to which Petitioner's objections were directed, 28 U.S.C. § 636(b)(1), the Court **OVERRULES** Petitioner's objections (D.E. 17). Accordingly, the Court:

(1) **ADOPTS** the M&R in its entirety (D.E. 16).

(2) Respondent's motion to dismiss (D.E. 14) is **GRANTED**.

- (3) Petitioner's petition for writ of habeas corpus (D.E. 1) is **DISMISSED** as time barred for failure to timely file a federal application for habeas corpus relief pursuant to 28 U.S.C. § 2244(d)(1)(A).
- (4) A certificate of appealability is **DENIED** pursuant to 28 U.S.C. § 2253(c).
- (5) The Clerk of Court is **ORDERED** to administratively **CLOSE** this case.

SIGNED and ORDERED this 29th day of May 2020.

A handwritten signature in black ink, appearing to read 'DSM', is written over a horizontal line.

DAVID S. MORALES  
UNITED STATES DISTRICT JUDGE